

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

1	UNITED STATES OF AMERICA,	)	
2		)	
3		)	
4		)	NO. MJ-09-4010-JPH
5	Plaintiff,	)	MJ-09-4011-JPH
6		)	
7	v.	)	ORDER ON PROBABLE CAUSE AND
8		)	ORDER OF DETENTION
9	MANUEL MORFIN-MORENO,	)	
	RAFAEL IBANEZ-NARANJO,	)	
		)	
	Defendant.	)	

Probable cause and detention hearings were held on February 2, 2009. Jane Kirk appeared for the government and defendants were each present with counsel Alex Hernandez and William Schuler. The defendants agreed to their hearings being held simultaneously.

Drug Enforcement Special Agent Clayton Haines, testified and was cross examined.

Counsel for Defendant Morfin-Moreno orally moved to dismiss. The Court denied defendant's motion (**Ct. Rec. 13**).

Counsel for Defendant Morfin-Moreno orally made a motion for production of witness reports. The Court denied defendant's motion (**Ct. Rec. 14**).

Counsel for both defendants orally moved to strike the testimony of the witness pursuant to Rule 26.2. The Court denied the joint motion to strike testimony (**Ct. Rec. 12, 15**).

Based on the evidence and testimony presented, the Court finds there is sufficient evidence to establish probable cause to bind both defendants for further proceedings.

Detention hearings had been requested by both of the defendants.

1 The government proffered the pretrial services bail reports  
2 and concurs with the recommendation for continued detention of  
3 each defendant.

4 Argument from counsel was heard.

5 This court has taken into account the information in the  
6 pretrial services reports, the evidence presented, testimony of  
7 the witness and the ICE detainers that have been lodged against  
8 the defendants.

9 The Court finds there are no conditions or combination of  
10 conditions other than detention that will reasonably assure the  
11 appearance of the defendants as required.

12 **IT IS ORDERED:**

13 1. That the government's motions for detention (**Ct Rec. 5,2**)  
14 are **granted**. The defendants shall continue to be held in detention  
15 pending disposition of this case or until further order of the  
16 court.

17 2. The defendants are committed to the custody of the United  
18 States Marshal for confinement separate, to the extent  
19 practicable, from persons awaiting or serving sentences or being  
20 held in custody pending appeal.

21 3. The defendants shall be afforded reasonable opportunity  
22 for private consultation with their counsel.

23 DATED this 2<sup>nd</sup> day of February, 2009.

24 s/James P. Hutton  
25 JAMES P. HUTTON  
UNITED STATES MAGISTRATE JUDGE